



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Department of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation</b>	2 VAC 5-335
<b>Regulation title</b>	Rules and Regulations for Enforcement of the Virginia Pest Law – Virginia Emerald Ash Borer Quarantine
<b>Action title</b>	Amends Regulations to Expand Emerald Ash Borer Quarantine to Entire State
<b>Final agency action date</b>	July 7, 2010
<b>Document preparation date</b>	July 7, 2010

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

### Summary

By authority granted under Section 3.2-703 of the Code of Virginia, the Commissioner of Agriculture and Consumer Services can extend or reduce the area currently regulated for plant pests. Expansion of the Virginia Emerald Ash Borer Quarantine is now necessary due to the detection of adult Emerald Ash Borers in Frederick County. The amendment will add the counties of Frederick and Clarke and the city of Winchester to the Emerald Ash Borer Quarantine.

The purpose of the promulgation of this regulation is to delay the long distance (artificial) spread of the emerald ash borer from infested areas to non-infested areas. This will reduce the impact of the emerald ash borer to landowners and forest users in Virginia thereby protecting the public's health and welfare.

The quarantine restricts the movement of regulated articles, as defined in § 40, from regulated localities to non-regulated localities. The regulated articles, which include ash trees, green (non-heat treated) ash lumber and ash wood products, as well as hardwood firewood, pose a significant risk of transporting emerald ash borer. These regulated articles may move freely within the regulated areas.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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On July 7, 2010, the Commissioner of Agriculture and Consumer Services adopted as a final regulation, 2 VAC 5-335, Rules and Regulations for Enforcement of the Virginia Pest Law - Virginia Emerald Ash Borer Quarantine.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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This regulatory action will have no impact on the institution of the family and family stability.